

Introduced by Senator Ducheny

February 17, 2005

An act to repeal and add Chapter 11 (commencing with Section 66900) of Part 40 of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 445, as amended, Ducheny. *Postsecondary education: Commission on Statewide Postsecondary Education Policy and Planning.*

Existing law establishes the California Postsecondary Education Commission as the statewide postsecondary education coordinating and planning agency and provides for its functions and responsibilities.

This bill would repeal existing law providing for that commission and its functions and responsibilities. The bill would enact new provisions establishing the California Commission on Statewide Postsecondary Education Policy and Planning with prescribed membership and duties. The bill would require the new commission to develop ~~and~~, regularly assess, *and make recommendations regarding*, a statewide *strategic plan that lays out* a public agenda for higher education, subject to prescribed policy goals. The commission would be empowered to participate in the executive and legislative budget processes in an advisory capacity, and would have specified functions and duties as the statewide higher education policy and planning agency. Members of the new commission would receive per diem compensation of \$50 for each day of attendance at meetings of the commission, its committees, and subcommittees, plus actual and

necessary travel expenses incurred in the course of the member's duties.

The bill would also establish an advisory committee to the commission with prescribed membership representing public higher education and the Association of Independent California Colleges and Universities. The bill would provide for establishment of a transition team to maintain data and databases of the existing California Postsecondary Education Commission and to facilitate migration of functions to the California Commission on Statewide Postsecondary Education Policy and Planning, which the bill would require to be complete by December 16, 2006.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 11 (commencing with Section 66900)
2 of Part 40 of the Education Code is repealed.
3 SEC. 2. Chapter 11 (commencing with Section 66900) is
4 added to Part 40 of the Education Code, to read:
5 66900. (a) It is the intent of the Legislature that the California
6 Commission on Statewide Postsecondary Education Policy and
7 Planning be established for the purpose of representing the public
8 interest in expanding educational opportunities *and success* for
9 all Californians continuing their education beyond high school.
10 The commission shall be responsible for articulating a statewide
11 policy agenda for higher education, *developing a strategic plan*
12 *for achieving this agenda, including cost projections, and*
13 *assessing the state's progress in meeting this agenda,*~~and~~
14 ~~advising.~~ *The commission shall advise* the Legislature, the
15 Governor, the segments of higher education, and state
16 policymakers regarding state priorities ~~dictated by current trends~~
17 ~~and evolving needs.~~ *The derived from the policy agenda for*
18 *higher education and by considering changing fiscal and*
19 *demographic trends in the state.*
20 (b) The commission shall also coordinate policy efforts among
21 each of the segments of higher education for the purpose of
22 advancing the state policy agenda for higher education, *and shall*
23 *assess the degree to which the postsecondary education system*
24 *meets the needs of the California economy.*

1 66901. (a) The California Commission on Statewide
2 Postsecondary Education Policy and Planning is hereby created.

3 (b) The commission shall be composed of the following
4 members:

5 (1) ~~Nine~~ *Seven* representatives of the general public, of which
6 three shall be appointed by the Governor, ~~three~~ *two* by the
7 Senate Committee on Rules, and ~~three~~ *two* by the Speaker of the
8 Assembly. It is the intent of the Legislature that the public
9 members shall be broadly and equitably representative of the
10 general public.

11 (2) The chair and vice chair of the advisory committee to the
12 commission ~~and the executive director~~ appointed pursuant to
13 Section 66903.

14 (3) Two student representatives, each of whom shall be
15 enrolled at a California postsecondary education institution at the
16 time of appointment and while members of the commission,
17 except that a student member who graduates from an institution
18 may remain as a member of the commission up to an additional
19 six months. The Governor shall appoint the student members
20 from persons nominated by the appropriate student organizations
21 of each of the postsecondary education segments. For each
22 student member of the commission, the appropriate student
23 organization may submit a list of nominees. The appropriate
24 student organization for each postsecondary education segment
25 shall be a composite group of at least five representative student
26 government associations, as may be determined by the
27 commission from time to time. The student member appointed to
28 the commission shall not be enrolled in the same education
29 segment as the outgoing student member or the same
30 postsecondary education segment of the other sitting student
31 member.

32 (4) The President of the State Board of Education or his or her
33 designee from among the other members of the board.

34 (5) *The Executive Director of the Student Aid Commission.*

35 (6) *An executive officer representing a statewide*
36 *intersegmental faculty association.*

37 (7) *The Secretary of Labor.*

38 66902. Each member of the commission shall receive per diem
39 compensation of fifty dollars (\$50) for each day in which he or
40 she attends any meeting of the commission or any meeting of any

1 committee or subcommittee of the commission of which he or
2 she is a member and that is conducted for the purpose of carrying
3 out the functions of the commission. Members of the commission
4 shall, in addition, be entitled to actual and necessary traveling
5 expenses incurred in the course of their official duties.

6 66903. For assistance in the conduct of its business, the
7 commission shall employ an administrative officer, who shall be
8 known as an Executive Director of the California Commission on
9 Statewide Postsecondary Education Policy and Planning. The
10 executive officer shall be appointed by the commission, subject
11 to confirmation by two-thirds of the membership of the Senate.
12 The executive director shall appoint persons to any staff positions
13 the commission may authorize.

14 66904. (a) There is established an advisory committee to the
15 commission and the executive director, for the purpose of
16 providing institutional perspectives that combine to offer
17 guidance in the development of a statewide agenda for higher
18 education. ~~The~~

19 (b) *The* advisory committee shall consist of the chief executive
20 officer of each of the public segments, or his or her
21 *executive-level* designee, and an executive officer from the
22 Association of Independent California Colleges and Universities.
23 There shall be a revolving chair and vice chair selected every two
24 years by members of the advisory committee, permitting each
25 segment to be represented on the commission on a rotating basis.
26 ~~Commission~~ *The chair and vice chair of the advisory committee*
27 *shall not be represented by a designee.*

28 (c) *Commission* meeting agenda items and associated
29 documents shall be provided to the committee in a timely manner
30 for its consideration and comments.

31 66905. (a) The commission shall serve the public interest by
32 developing and maintaining a statewide *strategic plan that lays*
33 *out a policy agenda* for higher education. ~~The commission shall~~
34 ~~develop a statewide public agenda for higher education that~~
35 ~~extends~~ *In developing the strategic plan, the commission shall*
36 *pay particular attention to policy issues that extend* beyond the
37 individual boundaries of each segment of higher education. The
38 commission shall regularly assess, *and make recommendations*
39 *regarding*, the state's progress in accomplishing the goals of the
40 statewide policy agenda.

(b) The statewide public policy goals for higher education include the following:

(1) Educational opportunity: All Californians should have reasonable and equal opportunities to attain a higher education at an affordable cost.

(2) Participation: California higher education should serve its large and diverse population, reflecting the state's overall demographics.

(3) Student success: California higher education institutions should prepare students for informed, thoughtful civic lives, meaningful pursuits, and economic success.

(4) Public benefits: California higher education should benefit the state and its people by fostering civic participation, social awareness, and support of the state's economy.

(c) The commission ~~may~~ *shall* participate in appropriate stages of the executive and legislative budget processes. In this capacity, the commission shall advise the executive and legislative branches of state government on the policy implications of pending budget proposals with respect to how they advance the statewide higher education policy agenda.

66906. The commission has the following functions and responsibilities in its capacity as the statewide higher education policy and planning agency and advisor to the Legislature and the Governor:

(a) The commission shall provide leadership in developing the ~~public policy agenda~~ *strategic plan for achieving the public policy goals* for higher education and advising state policymakers on the state's progress in meeting ~~this agenda~~. ~~The agenda these goals. The strategic plan~~ shall recognize the diverse and changing population within California. ~~The commission's primary focus is and the changing fiscal condition of the state. The commission's primary focus is serving the public interest while working with the Legislature, the Governor, and the segments of higher education in meeting this responsibility. The commission shall also recommend revisions to the Master Plan for Higher Education that it deems to be appropriate.~~

(b) The commission shall establish and maintain a statewide higher education accountability structure that provides the basis for an annual assessment of the progress made in meeting the state's public policy agenda and goals for higher education.

1 (c) The commission shall ~~act as clearinghouse for~~
2 ~~postsecondary education information and as a primary source of~~
3 ~~information for~~ *have the authority to gather necessary data from*
4 *the governing bodies and institutions of public postsecondary*
5 *education to carry out its responsibility to provide an assessment*
6 *of the state's progress toward the stated policy goals and to*
7 *provide the appropriate policy analysis and recommendations to*
8 the Legislature, Governor, and agencies of state government. It
9 shall develop and maintain a comprehensive database that does
10 all the following:

11 (1) Ensures comparability of data from diverse sources,
12 including each of the public two-year institutions, and the public
13 and private four-year postsecondary education institutions.

14 (2) Maintains a longitudinal student tracking capability that
15 follows individual students as they progress through the state's
16 postsecondary education institutions. This tracking system shall
17 build upon the commission's student database through the use of
18 a unique student identifier, be compatible with the California
19 School Information System, and be compatible with the student
20 information systems developed by each of the segments of
21 postsecondary education, as appropriate.

22 (3) *Provides information needed to assess state outcomes*
23 *beyond data reported by individual segments.*

24 (d) The commission, in implementing subdivision (c), shall
25 comply with the federal Family Educational Rights and Privacy
26 Act of 1974 (20 U.S.C. Sec. 1232g) relating to the disclosure of
27 personally identifiable information concerning students.

28 (e) The commission shall conduct focused research ~~in limited~~
29 ~~instances that warrant the need to further understand~~ *reflecting*
30 *the policy and fiscal priorities of the Legislature and the*
31 *Governor, and this research shall serve the purpose of providing*
32 *greater insight into* trends that emerge from the higher education
33 accountability structure.

34 (f) The commission shall review all proposals for changes in
35 eligibility pools for admission to public institutions and segments
36 of postsecondary education and shall make recommendations to
37 the Legislature, the Governor, and the institutions of
38 postsecondary education. In carrying out this subdivision, the
39 commission periodically shall conduct a study of percentages of
40 California public high school graduates estimated to be eligible

1 for admission to the University of California and the California
2 State University.

3 (g) The commission shall administer federal programs in
4 compliance with the appropriate provisions of the federal
5 Education Amendments of 1972 (P.L. 92-318), as specified in
6 Section 67000.

7 (h) *The commission shall be responsible for gathering data on*
8 *the performance of state and federal workforce preparation*
9 *programs, and shall provide an annual assessment and*
10 *recommendations to the Legislature and the Governor regarding*
11 *how education and workforce preparation programs advance the*
12 *economic vitality of the state.*

13 (i) *The commission shall be responsible for approving and*
14 *regulating private degree-granting postsecondary educational*
15 *institutions that participate in federal Title IV student financial*
16 *aid programs and that are not accredited by a regional*
17 *accrediting association recognized by the United States*
18 *Department of Education.*

19 66907. The commission shall prescribe rules for the transaction
20 of its business, subject to all of the following requirements and
21 limitations:

22 (a) The individual votes of all members of the commission
23 shall be recorded.

24 (b) Any action of the commission as a body shall require the
25 affirmative vote of a majority of the commission membership not
26 including vacancies.

27 (c) An affirmative vote of two-thirds of the commission
28 membership, not including vacancies, shall be required for
29 appointment of the commission's executive director.

30 ~~66915.~~ 66908. Implementation of this chapter shall commence
31 on January 1, 2006, and shall be fully implemented on or before
32 December 16, 2006. Beginning January 1, 2006, a transition team
33 shall be established to maintain the existing database of the
34 California Postsecondary Education Commission and to facilitate
35 the transition from the California Postsecondary Education
36 Commission to the California Commission on Statewide
37 Postsecondary Education Policy and Planning.